

REMARKS

Claims 1-19 are pending and under consideration in the above-identified application. Claims 8-15 stand withdrawn from consideration pursuant to a restriction requirement.

In the Final Office Action dated November 21, 2008, the Examiner rejected claims 1-7 and 16-19.

With this amendment, claims 1 and 17 were amended. No new matter has been introduced as a result of the amendments.

I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 1-7 and 16-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that the term “high molecular material” is a relative term which renders the claim indefinite. Applicants respectfully traverse this rejection.

In response to the Examiner’s rejection, Applicants amended the claim term “high molecular material” to “high molecular weight material.” The term high molecular material was a translation error and support for this change can be found on at least pages 30-31 of the Specification. Additionally, Applicants amended the claim such that the fluorine-based high molecular weight material has a molecular weight of 300,000 or more. Support for this amendment can be found on at least pages 30-31 of the Specification.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-5, 7 and 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsufumi et al. (JP 09-035,718), in view of Takeuchi et al. (U.S. Patent No. 5,807,645) or

over Takeuchi et al. in view of Mitsufumi et al. (JP 09-035,718). Applicant respectfully traverses this rejection.

The claims require a battery that includes an anode having an anode mixture containing an anode active material, a cathode having a cathode mixture containing a cathode active material, a separator between the anode and the cathode, a solid electrolyte that includes a fluorine-based high molecular weight material, and a gas adsorbing carbon layer containing a gas adsorbing carbon material within the battery for adsorbing carbon gas. Additionally, at least one of the cathode and the anode mixture includes a gas adsorbing carbon material formed of a carbonaceous material. As discussed in the Specification, the gas adsorbing carbon layer and material adsorbs gas evolved in the battery thereby preventing the film-shaped exterior material housing from expanding. Specification, page 26.

Mitsufumi et al. teaches the use of a carbonaceous material as a conducting material. Mitsufumi et al., Paragraphs [0023]; [0024]. However, Mitsufumi et al. does not specifically teach a gas adsorbing carbon layer containing a gas adsorbing carbon material within the battery for adsorbing carbon gas as required by the claims. Additionally, Mitsufumi et al. fails to teach or even fairly suggest a solid electrolyte that includes a fluorine-based high molecular weight material.

Takeuchi et al. teaches an electrode containing a carbonaceous diluent/graphite blend for "aiding the discharge rate capability of the charge transfer active materials." Takeuchi et al., Col. 2, lines 36-44. However, Takeuchi et al. does not teach or even fairly suggest a gas adsorbing carbon layer as required by the claims. Furthermore, Takeuchi et al. does not teach a solid electrolyte that includes a fluorine-based high molecular weight material.

As such, taken either singularly or in combination with each other, the cited references fail to teach or even fairly suggest all the required elements of the claims. Thus, claims 1-5, 7 and 16-19 are patentable over the cited references. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsufumi et al. in view of Takeuchi et al. or over Takeuchi et al. in view of Mitsufumi et al. in view of Bannai (US. Patent No. 6,503,656 and EP 1,063,713). Applicant respectfully traverses this rejection.

Bannai teaches a laminate film as an exterior casing material for a battery. Bannai et al., Col. 2, lines 52-57. However, as discussed above, Mitsufumi et al. and Takeuchi et al. fail to teach or even fairly suggest a solid electrolyte that includes a fluorine-based high molecular weight material or a gas adsorbing carbon layer containing a gas adsorbing carbon material within the battery for adsorbing carbon gas as required by the claims. Thus, taken either singularly or in combination with each other, the cited references fail to teach or even fairly suggest all the requirements of the claims. As such, claim 6 is patentable over the cited references. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

III. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: January 12, 2009

By: /David R. Metzger/
David R. Metzger
Registration No. 32,919
SONNENSCHN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000